



July 2, 2021

Wauwatosa Police Department
Attn: Acting Chief Vetter
1700 North 116th Street
Wauwatosa, Wisconsin 53226

Via email : lvetter@wauwatosa.net
(confirmation via First Class USPS)

Wauwatosa Police Department
Attn: Dominick Ratkowski
1700 North 116th Street
Wauwatosa, Wisconsin 53226

Via email : jmb@guntalaw.com
(confirmation via First Class USPS)

City of Wauwatosa
Attn: Mayor Dennis McBride
7725 West North Avenue
Wauwatosa, WI 53213

Via emails: jmb@guntalaw.com
(confirmation via First Class USPS)

7020 2450 0000 9080 5392
Mailed to Attorney Baynard

Gunta Law Offices
Former Chief Barry Weber
9898 West Bluemound Road
Wauwatosa, Wisconsin 53226

Via Attorney Baynard
jmb@guntalaw.com
(confirmation via First Class USPS)

RE: PRESERVATION OF ALL PHYSICAL AND DOCUMENTARY EVIDENCE
In the matter of the Knowlton et al 20 CV 1660
Date of Incident(s) : May 25, 2020 through present

Dear Attorney Baynard,

This correspondence hereby notifies the Wauwatosa Police Department ("WPD") and the City of Wauwatosa ("City") whom you represent to preserve all evidence including but not limited to electronically stored information, copies, and backup, as defined by Rule 34 of the Federal Rules of Civil Procedure along with any paper files which the WPD and City maintain relevant to arrests, surveillance of whether electronically in person, etc..., transport, detentions, and or any law enforcement activity by law enforcement officers, City employees and/or contracted employees, volunteers, WPD employees and/contracted employees, volunteers, or anyone working in cooperation with the City or WPD in regards to the current case of Knowlton el al case 20 CV 1660, in anticipation of any other civil rights and related litigation relating to the actions of members and employees of the WPD and employees, agents, or volunteers of the City as it relates to citizens

protesting in Milwaukee County from May 25, 2020 through present. Please note that this litigation hold serves as an additional preservations letters as sent via USPS by Attorney Kathryn Knowlton on October 11, 2020 and Attorney Kimberley Cy. Motley on January 13, 2021.

"The unanimous view of the federal courts is that federal law imposes upon a party the duty to preserve relevant evidence from the time that the party can reasonably anticipate litigation." You are hereby notified on July 2, 2021 of additional anticipated litigation.

This notice applies, but is not limited to, WPD's and the City's on and off-site computer systems and removable electronic media plus all computer systems, services, and devices (including all remote access and wireless devices) used for WPD's and the City's overall operation. This includes but is not limited to, video, audio, digital, and any/all combinations therein, recordings, social media posts information, email and other electronic communications, text messages, electronically stored documents, images, videos, graphics, recordings, spreadsheets, databases, calendars, system usage logs, contact manager information, telephone logs, internet usage files, deleted files, user information, any surveillance social media handles created or used by the WPD or the CITY, the Protestor List ("PL")and any versions of the PL as testified about during the June 23, 2021 deposition of Dominick Ratkowski, any and all electronic/text/communications regarding the PL or any other surveillance lists or programs with the City, WPD, or other outside enforcement or non-law enforcement agencies, any and all notes whether electronic or hard copies as it pertains to the PL or any other lists / surveillance, and other data.

Further this notice applies to archives, backup and disaster recovery tapes, discs, drives, cartridges, voicemail and other data. All operating systems, software, applications, hardware, operating manuals, codes, keys, and other support information needed to fully search, use, and access the electronically stored information must also be preserved.

The importance of immediate action cannot be overstated. Electronically stored information is easily corrupted, altered, and deleted in normal daily operations. Even booting a drive, running an application, or reviewing a document can permanently alter evidence. An important method for preserving data in its original state is to have a forensic image (mirror image or clone image) made of pertinent hard drives of other office and home computers used for business, operations, surveillance, monitoring, communication, etc...and of network servers. This image captures all current data, including the background or metadata about each document. Simply copying data on a CD-ROM or other common backup medium is not adequate. For each captured image file, record, and identify the person creating the image and the date of creation. Secure the file to prevent

subsequent alteration or corruption and create a chain of custody log. Once the forensic data image file is created, the pertinent computer or other device can be placed back into operation.

Special attention for forensic imaging and preservation applies specifically to all officers, professional and support staff, contractors, cooperating agents, including FBI personnel, and all others involved in all aspects of including but not limited to, the monitoring electronically or otherwise, procedures, surveillance, planning arrest, detention, transport, processing, administrative, and physical actions of any and all law enforcement in Wauwatosa, Wisconsin from May 25, 2020 through present, as well as specifically to electronic and digital capture (audio, visual, and any combination thereof) including surveillance footage taken from all vantage points thereto, including done, as well as temporary and permanent camera/audio recording in vehicles, on officers, agents and staff and in/around any detention points, including private property if used for public purpose and stations,

This preservation notice covers all of the above items and information for the following dates as indicated above May 25, 2020 through present.

Follow the above procedure and continue to preserve electronic information created upon the notices of October 11, 2020, January 13, 2021, and also upon this notice.

Current law and rules of civil procedure clearly apply to the discovery of electronically stored information just as they apply to other evidence and confirm the duty to preserve such information for discovery. You, WPD, the City, and your officers, employees, agents, and affiliated organizations must take all reasonable steps to preserve this information until this legal matter is finally resolved. Failure to take the necessary steps to preserve the information addressed in this letter and /or pertinent information in your possession or control may result in serious Court sanctions and/or penalties.

Further to properly fulfill your preservation obligation, stop all scheduled data destruction, electronic shredding, rotation of backup tapes, and the sale, gift or destruction of hardware. Notify all individuals and affiliated organizations of the need and duty to take the necessary affirmative steps to comply with your duty to preserve evidence.

Additionally, the following are additional law enforcement agencies who insignia and/or participation was recognized and/or confirmed from May 25, 2020 through present at your request/solicitation and are included as entities in control/receipt as custodians of pertinent and implicated data and information, receivers of information, who are all implicated by this notice: the Federal Bureau of Investigation (FBI), Milwaukee Police Department, Milwaukee Sheriff's Department, Kenosha Police Department, Kenosha Sheriff's Department,

Waukesha Police Department, Waukesha Sheriff's Department, West Allis Police Department, Wisconsin National Guard, the Central Intelligence Agency CIA, Department of Homeland Security, Immigration and Customs Enforcement (ICE), and any other agencies who have cooperated with the WPD or the CITY.

It is again expected that you advise them immediately of their duty on your behalf. If there are additional entities that are not included herein and were present/assisted/participants in fact or receipt of information and/or data, it is expected that you advise them immediately of this notice as well as provide contact information to us without delay.

If you have any questions or concerns please feel free to contact me at your leisure. Please let us know if you are not representing any of the aforementioned recipients of this letter within 24 hours of receipt of this letter so that we can properly address them as well. Thank you for your cooperation.

By: 
Attorney Kimberley C. Motley, Esq.

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Attorney Milo E. Schwab